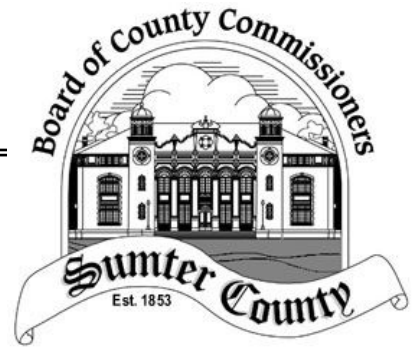


Board of Sumter County Commissioners

Division of Planning & Development

Code Compliance Department

910 N. Main Street, Suite 301 • Bushnell, FL 33513 • Phone (352) 793-0270 • FAX: (352) 793-0274
Website: <http://sumtercountyfl.gov>



SPECIAL MASTER HEARING **April 29, 2010 @ 3:00 PM**

Present: R. Lee Hawkins, Jr. - Special Master, Matthew Foreman - County Attorney, Alysia Akins - Code Enforcement/Licensing Coordinator, Jim Shady - Inspector, Dwayne Ausley - Inspector, Bob Kegan - Building Official, and Edd Kaman - Inspector.

Special Master Hawkins called the hearing to order at 3:05 PM and followed with the Pledge of Allegiance.

Special Master Hawkins entered the minutes of the Special Master Hearing from 3/25/10 into the record.

Mr. Kegan, Mr. Ausley, Mr. Shady, and Mr. Kaman were sworn in.

OLD BUSINESS:

The following cases received Affidavits of Non-Compliance:

CE2009-0341/Rowell-Claridge

CE2009-0525/Damascus

The following cases received Affidavits of Compliance with staff costs due:

CE2009-0419/Lovett

CE2010-0068/Suggs

The following case was tabled from the 1/28/10, 2/25/10, and 3/25/10 hearings and the county attorney requested the case remain on the table until the 5/27/10 hearing due to the Respondents' attorney being unable to attend the hearing:

CE2009-0505

Special Master Hawkins advised the case would remain on the table until the 5/27/10 hearing as requested.

The following case was tabled from the 2/25/10 and 3/25/10 hearings:

1) Case #: CE2009-0400

Name: Martin Jackson/Trish Straton

Address: 131 CR 482S, Lake Panasoffkee

Violation: 13-713(i)(1)(a) and 13-E.3.1.2 SHC 307.4

Inspector: Dwayne Ausley

Recommendation: **Remove From Table & Hear Case**

The Respondent, Martin Jackson, was present and sworn in. Mr. Jackson and tenant of the property, Trish Straton, were sent a Notice of Hearing via certified mail, and the property was posted regarding the code case that began on 9/9/09. The property does not have homestead exemption. Staff's last inspection was on 4/29/10, and the property remained in violation. Mr. Ausley submitted photos of the violations taken on 4/29/10 into the record. Mr. Ausley testified he had been in contact with Ms. Straton. Mr. Ausley testified he had observed 4-5 boats being present on the property during an inspection and it appeared airboats were being worked on. Mr. Ausley also testified Ms. Straton had informed him she was fabricating airboat cages on the property; however, she stated this use did not cause any additional traffic. Mr. Ausley testified he had spoken with the zoning department in regards to this issue in which they verified the use was not allowed within a residential zoning. Mr. Ausley testified he informed Ms. Straton of the zoning department's findings, in which she replied she would cease all fabrication operations from the property. Mr. Ausley testified Ms. Straton informed him there were no boat repairs being done from the property. Mr. Ausley testified he believed the tenant's father had passed away, in which his airboat repair business was left with the tenant. Mr. Ausley testified 13-E.3.1.2 SHC 307.4 is no longer a violation due to being unable to observe the miscellaneous items that were in violation because of the newly constructed fence.

Mr. Jackson testified he was unaware of the violation status due to being out of the country. Mr. Jackson requested direction regarding exactly what he needed to do to address the violation issues. Mr. Jackson was informed he would need to address the noise and traffic concerns and ensure all business operations ceased. Mr. Jackson was also informed as the property owner, he is ultimately responsible for the violations occurring on his property.

There were 4 audience members present who requested permission to speak regarding their concerns with the code case. The following were sworn in and spoke: Connie Terry, Valerie King, Robert Strong, and Sumter County Sheriff's Deputy Lawrence Wynn.

Deputy Wynn testified he resides next door to the property and has observed up to 10 airboats on-site at one time. Deputy Wynn testified the repairs and traffic are constant, including parts being delivered twice per week and UPS and Fed Ex deliveries 2-3 times per week. Deputy Wynn testified he has questioned customers after they leave the property. Deputy Wynn expressed his concerns regarding noise and traffic. Deputy Wynn testified he has witnessed 1-2 different airboats in and out of the property on a daily basis.

Mrs. King read a letter her husband had written into the record, which included their concerns regarding the increase in traffic due to the residential neighborhood being utilized for a business operation and asked for the business to discontinue.

Mr. Strong testified he had submitted a letter to the County in February regarding his concerns on the subject of truck deliveries, negative impacts on the neighborhood, and the

unsightliness of the property from which the business operation is being run. Mr. Strong testified he has resided there since the 1980's and the neighborhood has changed since the tenants moved onto the property. Mr. Strong discussed the deed restrictions for the property and submitted a petition signed by the neighborhood asking the County to order the business operation to be discontinued.

Ms. Terry testified she resides across from the property in question and expressed her concerns with noise, boats, junk, and the property being a general eyesore. Ms. Terry testified there are numerous boats in and out of the property on a daily basis.

Special Master Hawkins found the property in violation of the alleged business operation. The Respondent was ordered to pay staff costs of \$671.70 within 1 week and to bring the property into compliance within 1 week by discontinuing the business operation. If not, a \$250 daily fine will be assessed until the property is found in compliance and staff costs are paid.

NEW BUSINESS:

THE FOLLOWING CASES RECEIVED AFFIDAVITS OF PRE-HEARING COMPLIANCE:

CE-W2009-0474/Brannen
CE-CH2010-0006/McCord
CE-CH2010-0031/Simmons
CE2009-0204/Curry
CE2009-0518/Solomon
CE2009-0536/Newcity
CE2010-0026/Hilton
CE2010-0054/Evans
CE2010-0055/Debose
CE2010-0056/Debose
CE2010-0058/Cicero
CE2010-0060/Roberts
CE2010-0064/Gray

- 1) CASE #: CE-W2009-0476
NAME: LAURIE A. GIFFORD
ADDRESS: C-478, WEBSTER (CITY LIMITS)
VIOLATION: 6-104(4) AND 13-728
INSPECTOR: DWAYNE AUSLEY
RECOMMENDATION: **REQUEST TO TABLE TO A DATE UNCERTAIN DUE TO REQUIRING
CLARIFICATION OF ADOPTED CODE REGULATIONS**

Special Master Hawkins advised the case would remain on the table until a date uncertain as requested.

2) CASE #: CE-CH2010-0001

NAME: SAMUEL & AMELIA BRADSHAW

ADDRESS: 125 STATE STREET, CENTER HILL (CITY LIMITS)

VIOLATION: CENTER HILL CODE - 108.1.1

INSPECTOR: DWAYNE AUSLEY

RECOMMENDATION: **REQUEST TO TABLE TO THE 5/27/10 HEARING DUE TO NOT RECEIVING PROOF OF PROPER NOTICE**

Special Master Hawkins advised this case would remain on the table until the 5/27/10 hearing as requested.

3) CASE #: CE2010-0043

NAME: PAUL & PAULINE MORGAN

ADDRESS: NE 91ST AVENUE, MORELAND PARK

VIOLATION: 21-1(A), 6-104(2), AND 13-E.3.1.2 SHC 307.4

INSPECTOR: JIM SHADY

RECOMMENDATION: **HEAR CASE**

The Respondents were not present. The Respondents were sent a Notice of Hearing via certified mail, and the property was posted regarding the code case that began on 2/9/10. The property does not have homestead exemption. Mr. Shady's last visit to the property was on 4/29/10, and the property remained in violation. Mr. Shady submitted photos of the violations taken on 4/29/10 into the record. Mr. Shady testified the property consists of several rental lots. Mr. Shady testified he had a Sumter County Sheriff's Deputy accompany him to his last inspection due to the owners submitting "unfriendly" letters in response to the violation notices. The "threatening" letter received from the owners was read into the record.

Mrs. Akins was sworn in and testified the Respondents have had 35 code cases with the county. The Respondents' previous code case history was discussed.

Mr. Shady recommended the Respondents bring the property into compliance immediately by removing all of the trash and debris in violation and paying staff costs in the amount of \$361.06; if not, a \$250 daily fine per violation and per lot found in violation be ordered until the property is found in compliance and staff costs are paid.

Special Master Hawkins found the property in violation of the trash and debris. The Respondents were ordered to bring the property into compliance by 4/30/10 by removing the trash and debris found in violation and paying staff costs in the amount of \$361.06. If not, a \$250 daily fine will be assessed until the property is found in compliance and staff costs are paid.

4) CASE #: CE2010-0081

NAME: MARIE NORTON/LORENZO GREEN

ADDRESS: C-48 AND SR 471, BEVILLE'S CORNER

VIOLATION: 13-41, 13-363(A)(2)(A), AND 13-363(B)(5)

INSPECTOR: DWAYNE AUSLEY

RECOMMENDATION: **HEAR CASE**

Lorenzo Green, occupant of the property, was present and sworn in. The Respondent and occupant were sent a Notice of Hearing via certified mail, and the property was posted regarding the code case that began on 3/8/10. The property does not have homestead exemption. Staff's last inspection was on 4/29/10, and the property remained in violation. Mr. Ausley submitted photos of the violations taken on 4/29/10 into the record. Mr. Ausley submitted witness affidavits into the record, which were referred to as "Exhibit A".

Mr. Ausley recommended the Respondent bring the property into compliance by complying with the county's regulations in regards to a "Street Vendor" and pay staff costs in the amount of \$361.06; if not, a \$250 daily fine be ordered.

Mr. Green questioned the picnic tables located on the property across from where he operates his business. Mr. Green testified a code complaint was filed due to a Fire Chief stopping at his place of business and requesting a copy of his business license. Mr. Green testified he understands that code enforcement is involved due to the complaint being filed. Mr. Green questioned each violation he was cited for. Mr. Green asked about the newly adopted county ordinance in regards to street vendors. Mr. Green testified the violations cited were different on his 2nd notice, in which he was informed that the violations were updated on the 2nd notice to reflect the language provided in the newly adopted ordinance. Mr. Green testified his business does not match the definition of a street vendor and described his business operation. Mr. Green questioned the requirements for restroom facilities. Mr. Green testified he is awaiting his license (License #7050150) in the name of "Mo' Better Catering" from the Department of Business and Professional Regulation's Hotel and Restaurants Division. Mr. Green testified he feels his business should be clarified as a "restaurant on wheels", NOT a street vendor. Mr. Green testified the newly adopted ordinance was adopted after his business was in place. The county's regulations were discussed regarding the utilization of privately owned property vs. public property, such as right-of-ways.

Kathy Steele, Senior Planning Technician, was present and sworn in. Ms. Steele discussed the newly adopted ordinance #2010-04 regarding Transient Merchants and Street Vendors.

Special Master Hawkins found the property in violation of the street vendor violation codes. The Respondent was ordered to bring the property into compliance within 1 week by removing the BBQ equipment every evening as stated in the county ordinance and to comply with the restroom facility requirements. Staff costs in the amount of \$361.06 were also ordered to be paid within 1 week. If not, a \$50 daily fine will be assessed until the property is found in compliance and staff costs are paid.

Mr. Green expressed his disagreement with the order as he feels he should not be classified as a street vendor.

5) CASE #: CE2009-0389

NAME: SHARIE THOMPSON RAMIREZ

ADDRESS: 11872 SW 33RD STREET, CROOM

VIOLATION: 6-104(3)

INSPECTOR: EDD KAMAN

RECOMMENDATION: **HEAR CASE**

The Respondent was present and sworn in. The Notice of Hearing was sent via certified mail, and the property was posted regarding the code case that began on 9/2/09. The property does not have homestead exemption. Mr. Kaman's last inspection was on 4/29/10, and the property remained in violation. Mr. Kaman testified the mobile home was damaged by a hurricane in 2007. Mr. Kaman testified the initial complaint was filed by the Sumter County Sheriff's Department. Mr. Kaman testified the roof is not secure causing the home to be exposed. Mr. Kaman testified he had been inside the mobile home previously; however, was unable to gain access at his last inspection. Mr. Kaman testified the property is posted with "No Trespassing" signs and the mobile home is currently locked and boarded up. Mr. Kaman testified the mobile home needs to be demolished.

Mr. Kaman recommended the Respondent bring the property into compliance by securing or removing the mobile home and paying staff costs in the amount of \$761.06 within 90 days.

Ms. Ramirez submitted photos of the mobile home taken by her on 4/25/10 into the record. Ms. Ramirez testified she was unaware the abandoned mobile home had been occupied. Ms. Ramirez testified she was in the process of selling the mobile home and had informed the buyer the home was not habitable due to mold and mildew. Ms. Ramirez testified the grass had been mowed and the abandoned vehicle had been removed. Ms. Ramirez testified the roof of the mobile home does not leak.

Special Master Hawkins found the property in compliance as the submitted photos reflected the mobile home being secured as required. The Respondent was asked to ensure the mobile home remained secure.

There was no further business to discuss; therefore, Special Master Hawkins adjourned at approximately 4:40 PM.